UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/1996/899
4 November 1996

ORIGINAL: ENGLISH

LETTER DATED 1 NOVEMBER 1996 FROM THE CHARGE D'AFFAIRES A.I. OF THE PERMANENT MISSION OF YUGOSLAVIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

We have been informed that the Security Council will, in the first week of November, continue deliberations on the report of the Secretary-General on the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium ("the region"), with a view to adopting a resolution on the extension of the mandate of the UNTAES peacekeeping operation.

The Federal Republic of Yugoslavia strongly supports the view that, in order to preserve peace and security in the region, the present mandate of the Transitional Administration should be continued until 15 January 1998. The Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium, duly signed by the legitimate representatives of the region and of the Government of the Republic of Croatia, stipulated that the mandate of the Transitional Administration would be continued for another year if so requested by either of the parties. The leadership of the region, in a letter dated 18 July 1996 (see annex), did formally request, on the basis of the Basic Agreement, that the Security Council adopt a decision extending the current mandate of UNTAES for another full year, that is, until 15 January 1998.

It should be recalled that the primary objective of UNTAES has been to guarantee the security and equality of all inhabitants of the region, to promote an atmosphere of confidence and tolerance and to prepare conditions for free and fair elections towards the end of the transitional period, that is, in December 1997, with participation of all the inhabitants of the region. The Government of the Federal Republic of Yugoslavia has supported the Transitional United Nations Administration fully and continues to support it in achieving these objectives as the only way of securing a lasting and stable solution and safeguarding the multi-ethnic character of the region's population.

We would like to draw the attention of the Security Council to the fact that the Secretary-General, in his report of 26 October 1996 (S/1996/883), explained in detail the full complexity of the situation, which could not be resolved in a short period of time; he also stated that he is "not in a position to report an improvement in the level of cooperation of the Government of Croatia with UNTAES". The Secretary-General also criticized Croatia for

"hostile and aggressive statements against UNTAES in the media, and by the Government, including statements by the Croatian Minister of Defence threatening military action if the region is not returned by April 1997".

Taking into account these assessments of the Secretary-General, as well as various other threatening statements and official declarations, failure to guarantee free and safe return of refugees and in implementing the general amnesty, we believe that the Security Council is fully aware of the fears and atmosphere of insecurity among the Serbian population of the region and elsewhere in Croatia. We hope the Security Council, by adopting a decision on the extension of the mandate of UNTAES for another 12 months, will demonstrate its determination to send correct messages to both signatories of the Basic Agreement, improve the conditions and atmosphere of security among all inhabitants of the region and prevent further ethnic cleansing by another massive exodus of the Serbian population.

Otherwise developments could have severe consequences for stability in the region, which could spill over and have negative effects even on the situation in Bosnia and Herzegovina, which is still passing through a sensitive phase of consolidation. A decision ignoring the essential provisions of the Basic Agreement on the duration of the Transitional Administration would almost certainly jeopardize cooperation in the region and set back the process of normalization, which is just starting to catch hold. That could be a serious setback for the whole Dayton/Paris peace process.

The Federal Republic of Yugoslavia, therefore, strongly urges the Security Council to adopt a resolution on the extension of the current mandate of UNTAES until 15 January 1998, thus assuring the full implementation of all provisions of the Basic Agreement and satisfying the fundamental needs of the peace process in general.

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(Signed) Vladislav JOVANOVIĆ
Chargé d'affaires a.i.

Annex

Letter dated 18 July 1996 from the Regional Assembly of Eastern Slavonia, Baranja and Western Sirmium addressed to the Security Council of the United Nations

Proceeding from the provision of article 1 of the Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium and the conclusions of the Regional Assembly, the following request is submitted.

Request

The Security Council is requested to approve the extension of the mandate of the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium (UNTAES) for an additional period of the same duration.

Explanation

In order to ensure the implementation of the Basic Agreement for the Region of Eastern Slavonia, Baranja and Western Sirmium along the lines agreed to by its signatories and with the support of the Transitional Administration, we would like to express our dissatisfaction with, and our inability to understand, the lack of cooperation of the part of Croatia regarding certain issues.

Although the report of the United Nations Secretary-General of 26 June 1996 (S/1996/472) reflects the progress made in the implementation of the Basic Agreement and successful termination of the process of demilitarization, we have a number of objections regarding the attitude of the Government of Croatia towards the implementation of other paragraphs of the Basic Agreement and would appreciate it if, upon careful consideration of our objections, the Security Council would consider the possibility of extending the mandate of the Transitional Administration.

In view of paragraphs 4, 6, 7 and 8 of the Basic Agreement, we must rightly express our dissatisfaction with the adoption of Croatia's Law on Amnesty and - in line with the objections contained in the Security Council President's statement of 22 May 1996 (S/PRST/1996/26) - underline that this Law fails to respect fundamental human rights. Namely, the Law is uncomprehensive, selective and unobjective, as it relates only to a segment of the population of the Republic of Croatia and a part of its territory, and does not pertain to other citizens in the territory of the Republic of Croatia. Rather than having Croatia assume the right to convict people for, possibly, having committed war crimes, we request the Security council to assist us in the endeavour to have the Government of Croatia modify the said Law and honour the commitment to cooperate with the international tribunal, undertaken in resolution 827 (1993) of 25 May 1993.

In accordance with article 4 of the Basic Agreement on ensuring the right of refugees and displaced persons to return to their homes, we wish to express

our dissatisfaction and concern because of the failure of the Government of Croatia to provide the necessary conditions and determine the procedure for carrying out that decision. So far, only a very small number of refugees' requests to return have been approved. For example, the Government of Croatia approved 7,000 such requests, but only 1,500 persons have actually returned, because men dare not return owing to the nature of the Amnesty Law, which is consequently reflected on their families. We should not forget that approximately 500,000 people from the territory of the Republic of Croatia live in exile.

Our positions and views on Croatia's failure to respect the provisions of the Basic Agreement are supported by the following facts. A precedent has been set for the first time in the history of the Council of Europe, as the oldest European political institution, when Croatia was refused membership in that organization even after the green light had been given to it. The Council of Europe has placed 21 conditions on Croatia's full membership, which were subsequently divided into five parts, that is, cooperation with the Hague Tribunal, implementation of the Dayton Accord, realization of the right of exiled Serbs (especially following the "Storm" operation), to return to their homes, free media and local democracy (the case of the Mayor of Zagreb). We consider that this best demonstrates the measure in which human rights are being violated in Croatia and the level of democracy in that country.

Meanwhile, the Republic of Croatia has adopted a new law on areas of particular interest (these areas are the former Sectors North, West and South of the United Nations Protection Force (UNPROFOR)) from which Serbs were expelled. The law favours and encourages (by granting loans) the settlement of those areas solely by the Croatian people, thus preventing the return of exiled Serbs to their ancestral lands.

This biased attitude of the republic of Croatia is evident also in the report of Ms. Elizabeth Rehn of 14 March 1996, which contains (on pp. 62-86) numerous examples of human rights violations, killings, and mistreatment of the civilian population, destruction of private property, prevention of the return of refugees and so on effected by wilful extremists whose behaviour escapes control.

So far, the only Security Council reaction to this behaviour was to admonish the Republic of Croatia stating that it was necessary for the success of the mission of the Transitional Administration and ensuring that people remain in these areas that Croatia take concrete measures that would eventually trigger the process of democratization and ensure the respect of the fundamental human rights.

We are particularly concerned about the deterioration in the economic situation in the region. As the exploitation of oil in Deletovci has ceased, which was the major source of revenue and financing of the Administration, we would greatly appreciate it if you would influence the Republic of Croatia, through UNTAES, in order to have it provide for the financing of the Administration and public services, as economic development constitutes an important element of stabilizing the relations in the region.

We trust and believe that our request to the Security Council reflects the justified fear of a large number of people living in the region (approximately 150,000, including the refugees from the territory that has become the present Republic of Croatia following the "Spark" and "Storm" operations), as well as our doubts that the Croatian authorities are appropriately implementing the Agreement, as they are evidently unable to ensure the implementation of their own laws and exercise authority in the territory currently under their administration. It is also impossible for us to disregard open threats, coming from various government levels, that the authorities will "settle accounts" with those who participated in the war in this region.

We have the same goal as UNTAES, and that is to ensure a successful completion of its mission.

(Signed) Borivoje ZIVANOVIĆ
President of the Regional Assembly